

Appl. No. 09/995,726
Amendment dated January 5, 2005
Reply to Office Action of October 5, 2004

Comments and Response

Claims 1-21 are pending and of these claims 11-21 have been allowed and claims 1-10 stand rejected under §103(a). Claim 1 has been amended to further clarify the scope of the claimed invention. No new matter has been added by the amendment to claim 1. In view of the comments below Applicant respectfully request that the Examiner reconsider the present application including claims 1-10 and withdraw the rejections of these claims.

a) Claims 1-4 and 8-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al (U.S. Patent No. 6,556,553) in view of Liu (U.S. Patent No. 5,825,759) and further in view of Abe (U.S. Patent No. 6,216,385).

Claim 1 is in independent form with claims 2-4 and 8-10 dependent thereon. Claim 1 has been amended to further note that the claimed service is provided by a second WLAN device and that the claimed service acquisition mode facilitates coupling to the second WLAN device.

These features as claimed are not shown or suggested by the cited references. As much is indicated by the Examiner in the stated reasons for allowing claim 11, i.e., Palmer et al or Liu does not disclose "... for deciding whether the transceiver will enter a service acquisition mode thereby coupling to the second telecommunication device."

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Furthermore and as previously noted, Applicant respectfully disagrees with the Examiner's view that Palmer, et al. in combination with Liu shows or suggests the claimed method of controlling service acquisition in a wireless local area network (WLAN) device.

For example, the Examiner maintains that col. 4, lines 15-19 shows or suggests enabling a service acquisition mode as claimed. This passage in total states: "The method would be flexible, robust, and anticipate the rate shift and roam requirements. Communication performance would improve due to the reduced retransmission requirements, faster response time, optimum bandwidth, and fewer connection dropouts Network connection losses would be significantly reduced and ..." Applicant continues to be baffled as to how this can be construed to show or suggest the claimed enabling a service acquisition mode.

As another example, the Examiner maintains that Palmer, et al. at col. 4, lines 17-19 shows the claimed foregoing said service acquisition mode. This passage states in its entirety "... use/don't use decision, measurement application criteria such as a weighting factor, or measurement decision criteria such as a threshold." Again Applicant is puzzled as to how this passage shows or suggests the claimed foregoing said service acquisition mode when the decision is unfavorable.

Applicant respectfully submits that Palmer, et al. does not deal with deciding to enable or disable a service acquisition mode as claimed. In Palmer, et al. it is assumed that service is desired and thus service acquisition is always active. The only decisions being made in Palmer,

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et al. is whether to roam to a different serving site or what data rates to use to support a service connection. There is no decision or no control over the threshold question, i.e., whether to undertake service acquisition.

The Examiner concedes that Palmer et al "didn't specifically disclose a service acquisition in a WLAN environment.", however then maintains that "Liu discloses service acquisition mode of the WLAN device in a WLAN environment (col 6, lines 5-29; col 3, lines 23-40)." Applicant has read these passages in there entirety and does not see anything that per se relates to controlling service acquisition. The Examiner then maintains: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the wireless network in order to allow a WLAN device to access network services provided within the WLAN network while being connected to the WLAN network." Applicant respectfully submits that this is unrelated to the claimed method of controlling service acquisition. There is nothing about the claimed method that has anything to do modifying wireless networks, etc, etc.

At least for these reasons, Applicant respectfully submits that these references do not show or suggest all limitations of claim 1 and at least by virtue of dependency claims dependent thereon. Therefore Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 1-4 and 8-10 under 35 U.S.C. 103(a) based on Palmer et al (U.S. Patent No. 6,556,553) in combination with Liu (U.S. Patent No. 5,825,759)

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b) Claims 5 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al (U.S. Patent No. 6,556,553) in view of Liu (U.S. Patent No. 5,825,759) and further in view of Abe (U.S. Patent No. 6,216,385) and further in view of Jyogataki, et al. (U.S. Patent No. 6,192,251).

Claims 5 and 7 are dependent on claim 1 and as noted above it is believed that claim 1 is allowable over the cited references of record. Thus at least by dependency claims 5 and 7 should likewise be allowable. Therefore Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claims 5 and 7 under 35 U.S.C. 103(a) based on Palmer et al (U.S. Patent No. 6,556,553) in combination with Liu (U.S. Patent No. 5,825,759) and further Abe (U.S. Patent No. 6,216,385) and further Jyogataki et al. (U.S. Patent No. 6,192,251).

c) Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al (U.S. Patent No. 6,556,553) in view of Liu (U.S. Patent No. 5,825,759) in view of Abe (U.S. Patent No. 6,216,385) in view of Jyogataki, et al. (U.S. Patent No. 6,192,251) as applied to claim 5 in view of Moore et al. (U.S. Patent No. 6,434,381).

Claim 6 is dependent on claim 1 and at least by virtue of dependency on a claim that is believed to be allowable should also be deemed allowable. Therefore Applicant respectfully requests that the Examiner reconsider and withdraw this rejection of claim 6 under 35 U.S.C. 103(a) based on Palmer et al (U.S. Patent No. 6,556,553) in combination with Liu (U.S. Patent

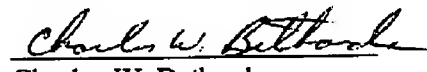
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No. 5,825,759) and further Abe (U.S. Patent No. 6,216,385) and further Jyogataki et al. (U.S. Patent No. 6,192,251) and further Moore et al. (U.S. Patent No. 6,434,381).

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

Respectfully submitted,


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